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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/703,767	08/27/96	MOURA	225819

LM02/0804

LAWRENCE HARBIN
FARKAS & MANELLI, P.L.L.C.
1233 20TH SSTEET, SUITE 700
WASHINGTON DC 20036-2396

EXAMINER
HOM, S

ART UNIT	PAPER NUMBER
2732	16

DATE MAILED: 08/04/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/703,767

Applicant(s)

Moura et al.

Examiner

S. Ham

Group Art Unit

2732

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on Amend of 3-19-98.
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-67 is/are pending in the application.
- Of the above claim(s) 1-50 is/are withdrawn from consideration.
- ☒ Claim(s) 51-55, 59-67 is/are allowed.
- ☒ Claim(s) 56-58 is/are rejected.
- ☐ Claim(s) is/are objected to.
- ☐ Claim(s) are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☒ The proposed drawing correction, filed on 8-27-96 is ☒ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

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Part III DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 3-19-98 have been fully considered but they are not persuasive.

Specification

2. The substitute specification of March 19, 1998 was not entered because it did not include all the amendments of the original specification. Applicant is required to submit a more legible copy of the specification accompanied by a statement that the attached specification is a copy of the specification and any amendments thereto which were filed in the Office because of missing words in middle of page 21 and fading at bottom of pages and it is difficult to tell whether punctuation marks are periods or commas or what.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

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(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

4. Claims 56-58 are rejected under 35 U.S.C. 102(e) as being anticipated by Ramakrishnan et al.

Ramakrishnan et al. disclose all the subject matter now claimed. Note col. 7 line 63 to col. 8 line 29 which recite the chaser packet used in the resynchronization of credits where the ATM network uses hop-by-hop credit-based flow control whereby a downstream node on a link tells a source or upstream node on that link that there are some number of cell buffers available, the number being the number of credits available to the upstream source node whereby the upstream node sends cells to the destination and counts down from that number to zero and then stops sending cells and when the destination forwards a cell the destination also signals the source to increment the number of credits for the VC associated with the cell clearly reads on the method of administering transfers of information between nodes based on credit administration including the step of issuing a credit for the first node to enable a transfer of a set amount of information, and the step of receiving at the second node an amount of information corresponding in value to the credit

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issued. Col. 9 lines 49-60 which recite that when there are no cells remaining in memory to transmit then the adapter processes the chaser packet by clearing the flush bit and generating an interrupt to the host which clearly reads the step of sending a message to indicate the amount of information remaining to be sent. Col. 8 lines 41-55 which recite the adapter returning the credit upon receiving the ATM cell and storing it in local memory and col. 9 lines 16-28 which recite the credit-based ATM flow control whereby after moving out the newly arrived ATM cell from its memory buffer or guaranteeing additional buffering, the receiver returns the credit to the sender clearly reads on the step of returning the credit when the first node has no information to transfer as in claims 56-58.

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Allowable Subject Matter

5. Claims 51-55 and 59-67 are allowed.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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7. **Any response to this final action should be mailed to:**

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 305-9051, (for formal communications; please mark "EXPEDITED
PROCEDURE")

Or:

(703) (703)308-5403 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal
Drive, Arlington, VA., Sixth Floor (Receptionist) (703) 305-4700.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick Hom whose telephone number is (703) 305-4742.



DOUGLAS W. OLMS
SUPERVISORY PATENT EXAMINER
GROUP 2700

SH

July 31, 1998